

Message Text

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ACTION ARA-14

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SSO-00 USIE-00 INRE-00 PM-05 H-01 INR-07 L-03
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FM AMEMBASSY MANAGUA
TO SECSTATE WASHDC NIACI IMMEDIATE 4208

CONFIDENTIAL MANAGUA 4061

E.O. 11652: GDS
TAGS: SHUM, NU
SUBJECT: NICARAGUAN HUMAN RIGHTS COUNTRY EVALUATION PLAN

REF: MANAGUA 3595

1. EMBASSY OFFERS THE FOLLOWING COMMENTS ON THE AUGUST 25 DRAFT HUMAN RIGHTS EVALUATION PLAN FOR NICARAGUA WHICH HOPEFULLY CAN STILL BE TAKEN INTO ACCOUNT BEFORE THE PLAN IS SENT FORWARD:

2. PAGE 7, SECTION 4: THE GON HAS PUBLICLY ASSERTED MARTIAL LAW AND CENSORSHIP WILL BE REMOVED AFTER THE SUPREME COURT HAS RULED ON THE CURRENTLY PENDING FSLN TRIAL APPEALS. THUS THE REFERENCE TO QUOTE SOMOZA HAS PRIVATELY ASSERTED UNQUOTE AND THE REFERENCE TO QUOTE HAS RULED ON SOME CURRENT APPEALS UNQUOTE SHOULD BE CHANGED.

3. SECTION 1B SHOULD BE REVISED ON THE BASIS OF MORE CURRENT INFORMATION. EMBASSY SUGGESTS DELETION OF LAST SENTENCE P.2 AND SUBSTITUTING: MOST OF THE ALLEGATIONS OF KILLINGS AND ABUSES BY THE GUARD RECEIVED FROM SOURCES OTHER THAN CAPUCHINS HAVE BEEN GENERALLY VAGUE. EMBASSY HAS, HOWEVER,
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RECEIVED A FEW NEW REPORTS OF TORTURE OF DETAINEES AND PRISONERS. ONE OR TWO OF THESE SEEM TO BE RECENT CASES WHILE ONE OR TWO OTHERS MAY REFER TO PREVIOUSLY REPORTED CASES. FURTHER, ALLEGATIONS OF CRUEL, INHUMAN OR DEGRADING TREATMENT OF FSLN MEMBERS OR SUSPECTS AS REPORTED BY AMNESTY INTERNATIONAL PROBABLY HAVE SOME VALIDITY IN SPECIFIC CASES.

4. WE RECOMMEND THAT THE LAST PARAGRAPH UNDER SECTION 3B. BE DELETED SINCE IT DOES NOT, IN OUR VIEW, REFLECT THE REALITY OF THE CURRENT NICARAGUAN SITUATION IN RE CORRUPTION.

5. WITH REGARD TO SECTION B-1. (ANALYSIS AND RECECOMMENDATIONS) WE FIND A CONCEPTUAL PROBLEM IN THAT, ALTHOUGH MENTIONED, THE ACTION PLAN DOES NOT APPEAR TO TAKE INTO CONSIDERATION EITHER PAST EMBASSY AND OTHER USG DEMARCHE ON HUMAN RIGHTS ISSUES OR THE PERIOD OF APPARENT IMPROVEMENT IN AVOIDANCE OF GROSS VIOLATIONS OF RIGHTS OF PERSONS. IN THE FORMER CATEGORY IS THE STAMTMENT QUOTE WE SHOULD URGE THAT THE GON TERMINATE MARTIAL LAW UNQUOTE. THIS IGNORES REPEATED EMBASSY DEMARCHE TO THIS EFFECT. ALSO REFERENCE TO URGING FREE AND HONEST ELECTIONS IGNORES

PREVIOUS URGINGS TO THIS EFFECT BY FORMER AMB THEBERGE, EMBOFFS AND AMB. LOWENSTEIN DURING HIS RECENT VISIT. IN THE LATTER CATEGORY, WE FIND A SIGNIFICANT DEPARTURE FROM OUR PREVIOUS RECOMMENDATION FOR CHANGES IN THE REPORT (REFTEL). IN OUR REFTEL WE SUGGESTED RECOGNITION OF THE APPARENT IMPROVEMENT IN HUMAN RIGHTS SITUATION (E.E., DECREASED ALLEGATIONS OF GROSS VIOLATIONS) BY REVIEWING STATUS
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OF THE FY 1977 FMS AGREEMENT, BUT THIS IS NOT ADDRESSED IN THE CURRENT VERSION. WE STRONGLY BELIEVE POSITIVE AS WELL AS NEGATIVE INDUCEMENTS MUST BE APPLIED TO PRODUCE THE IMPROVEMENTS IN RESPECT FOR HUMAN RIGHTS WE WISH TO SEE. WHEREAS WE RECOMMENDED RE COURSE TO THE IAHRC IF THE SITUATION SHOULD DETERIORATE, IT STANDS IN THE CURRENT VERSION AS AN ACTION INDEPENDENT OF THE CURRENT SITUATION. WE BELIEVE SUCH AN INITIATIVE BY THE US MAY BE INTERPRETED AS A FURTHER SANCTION, AND SUCH A STEP TAKEN NOW, DURING A PERIOD OF APPARENT IMPROVEMENT, COULD BE COUNTER-PRODUCTIVE. REFERENCE TO ACTIONS TO BE TAKEN IF QUOTE SERIOUS ABUSES OF THE PERSON ARE NOT SUBSTANTIALLY CONTROLLED WITHIN SIX MONTHS UNQUOTE, IGNORES EMBASSY REPORTS THAT SUCH ABUSES APPARENTLY HAVE BEEN SUBSTANTIALLY (THOUGH NOT ENTIRELY) CONTROLLED. ALSO REFERENCE TO AID PROJECTS BEING DESIGNED TO ELIMINATE QUOTE FURTHER AGGRANDIZING THE ELITES OF THE COUNTRY UNQUOTE, IGNORES THE FACT THAT THIS OBJECTIVE HAS ALREADY BEEN A FOCUS OF AID-NICARAGUA'S OPERATIONS FOR SOME TIME.

6. A FURTHER POINT WHICH SHOULD BE ADDRESSED IN THIS SECTOR IS THE STATUS OF THE IMET PROGRAM. AS THE MEMO

NOW STANDS NO FOCUS WOULD BE MADE ON THE FY 1978 MILITARY ASSISTANCE PROGRAM FOR SIX MONTHS. AS THE MILITARY TRAINING PROGRAM IS ONGOING THROUGHOUT THE YEAR, THIS PROGRAM, WHICH HAS CONTINUED DURING FY 1977, WILL COME TO AN ABRUPT HALT ON OCTOBER 1. IN LIGHT OF CURRENT HUMAN RIGHTS SITUATION, EMB. RECOMMENDS THAT A DECISION SHOULD BE MADE TO SEEK CONGRESSIONAL APPROVAL TO CONTINUE IMET AS SOON AS MARTIAL LAW IS TERMINATED IN ORDER TO AVOID BREAKING TRAINING CONTINUITY.

7. EMBASSY RECOMMENDS DELETING LAST PARAGRAPH OF MEMO (BOTTOM OF PAGE 11) ON THE BASIS THAT THERE IS VIRTUALLY NO POSSIBILITY OF A MARXIST TAKEOVER AND THIS IS THEREFORE A FALSE ISSUE.

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8. ACTION REQUESTED: EMBASSY REQUESTS A REVISION OF SECTION B-1 TO REFLECT THE ABOVE COMMENTS OR A NOTE IN THE COVERING BRIEFQNG MEMORANDUM STATING ENBASSY REMYMMENDATIONS FOR CHANGES IN THE REPORT AS IT NOW STANDS WITH THIS CABLE AS AN ATTACHMENT TO THE MEMORANDUM. PLEASE SEND COPY OF FINAL REPORT ASAP.

RUBENSTEIN

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